

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6343 of 2020

- Mahesh Yadav S/o Ramcharan Yadav, Aged About 23 Years, R/o Village Devridand, Post - Bharridand, P.S. Marwahi, District - Gourela - Pendra - Marwahi (Chhattisgarh), District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Marwahi, District Gourela - Pendra - Marwahi (Chhattisgarh), District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Non-applicant

For Applicant – Shri Prakash Mishra, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Shri Rakesh Pnadey, Advocate for the prosecutrix.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-06-2020 in connection with Crime No.28/2020 registered at Police Station - Marwahi, District – Gourela-Pendra-Marwahi, Chhattisgarh for the offence under Section 294, 506, 366, 376 of the IPC and Section 4, 8 of POCSO Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The FIR has been lodged by the prosecutrix after she has attained majority and she has made vague allegation regarding starting of relation in the year 2016. Therefore, no case is made against the applicant. He is in jail since 09-06-2020. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has clearly made statement before the police under Section 161 of the Cr.P.C. and Section 164 of the Cr.P.C. before the Magistrate making allegation of rape against this applicant. Therefore, he is not

entitled for grant of bail.

4. Learned counsel appearing for the complainant/prosecutrix submits that the prosecutrix has no objection in grant of bail to the applicant and further she has also sworn affidavit in support of bail application, which is filed before this Court.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, the applicant and the prosecutrix got acquaintance with each other in the year 2016 and then on pretext of marrying the prosecutrix he obtained her submission for physical relation which continued for some time. In the meanwhile, when the negotiation were going on for marriage of the prosecutrix the applicant created hurdle and disruption by adopting various methods, therefore, the FIR was lodged on 14-05-2020.

7. Considered on the submissions and facts of the case. Taking into consideration the statement of no objection made by the prosecutrix herself, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge